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648.42071CX1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): T. Yamamoto, et al.

Application. No.: 10/779,766

Filed: February 18, 2004

For: RAILWAY CAR

Group: 3617

Examiner: R. McCarry, Jr.

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 15, 2004

Sir:

In response to the Office Action mailed July 16, 2004, Applicants respectfully submit the following remarks, and enclosed Terminal Disclaimer, for obviating the sole grounds of rejection in this Office Action mailed July 16, 2004; that is, the rejection of claims 1-16 under the judicially created doctrine of obviousness-type double patenting, over claims 1-16 of U.S. Patent No. 6,712,007.

That is, the indication in the Office Action mailed July 16, 2004, that a timely filed Terminal Disclaimer in compliance with 37 CFR § 1.321(c) may be used to overcome the rejection based on a nonstatutory double patenting ground provided the conflicting patent is shown to be commonly owned with this application, is noted. Applicants are submitting the enclosed Terminal Disclaimer, which, it is respectfully submitted, is in compliance with 37 CFR § 1.321(c). This Terminal Disclaimer is with

respect to U.S. Patent No. 6,712,007; and, accordingly, it is respectfully submitted that this Terminal Disclaimer renders the obviousness-type double patenting rejection moot.

This Terminal Disclaimer is being submitted so as to facilitate prosecution in connection with the above-identified application, and achieve earliest possible issuance of a U.S. patent based upon the above-identified application. The filing of this Terminal Disclaimer does not constitute agreement with, or an admission as to the propriety of, the obviousness-type double patenting rejection; and does not constitute agreement with, or an admission as to the propriety of, arguments made by the Examiner in connection with the obviousness-type double patenting rejection.

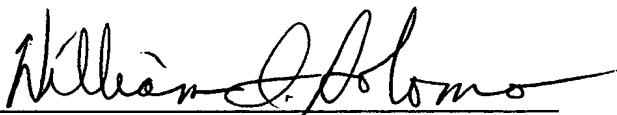
In view of the filing of the enclosed Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection, the sole rejection of claims in the Office Action mailed July 16, 2004, has been overcome. Accordingly, allowance of all claims presently in the application, and passing of the above-identified application to issue in due course, are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP

Deposit Account No. 01-2135 (Docket No. 648.42071CX1), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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